

**GOLDSTEIN ISAACSON, PC**

Andrew J. Goldstein (AG-1750)

100 Morris Avenue, 3<sup>rd</sup> Floor

Springfield, New Jersey 07081

Telephone No. (973) 258-0500

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Lakeland Bank, a New Jersey Charter  
State Bank, with its principal place of  
business at 250 Oak Ridge Road,  
Oak Ridge, New Jersey 07438,

Civil Action No. 07-CIV-6823

Plaintiff,

**REQUEST FOR ENTRY  
OF DEFAULT AGAINST EDWIN  
AND RITA RYBACKI, IN PERSONAM**

-vs-

TAYLOR BABY in rem,  
EDWIN RYBACKI, in personam,  
RITA RYBACKI, in personam, and  
MARC RYBACKI, in personam

Defendants.

The Summons and Complaint were served upon the defendants Edwin and Rita Rybacki, by a process server on October 17, 2007. (See proof of service and letter to defendants giving further notice of action pending, annexed hereto). No extension of time has been granted or responsive pleading received.

**WHEREFORE**, it is requested that default be hereby entered against the defendants, Edwin and Rita Rybacki, in personam, with costs and attorney fees.

  
ANDREW J. GOLDSTEIN, ESQ.

Dated: 01/03, 2008

STATE COURT OF THE S E/CITY OF NEW YORK  
 COUNTY OF: SOUTHERN NY ATTORNEY: ANDREW J. GOLDSTEIN, ESQ.

20070907162831

LAKELAND BANK  
 - against -  
 TAYLOR BABY, ET AL

Petitioner(s)  
 Plaintiff(s)  
 Respondent(s)  
 Defendant(s)

AFFIDAVIT  
 OF SERVICE

INDEX#  
 07 CIV 6823

STATE OF: NEW JERSEY - COUNTY OF: UNION ss:

MALGORZATA SLADEK, being duly sworn deposes and says deponent is not a party to this action, is over the age of 18 and resides in NY. That on date/time: 10/17/2007 08:00PM, at 2848 LINDALE STREET WANTAGH NY deponent served the within: SUMMONS AND COMPLAINT, WARRANT FOR ARREST

Summons, Spanish summons & complaint, the language required by NRCRR 2900.2(e), (f) & (h) was set forth on the face of the summons(es)

On: RITA RYBACKI

Defendant  Respondent  Witness (hereinafter called the recipient) therein named.

INDIVIDUAL  
 A   
 ARREST

By personally delivering to and leaving with said RITA RYBACKI and that he knew the person so served to be the person mention and described in said SUMMONS AND COMPLAINT, WARRANT FOR ARREST

CORPORATION  
 B

By delivering to and leaving with \_\_\_\_\_ at \_\_\_\_\_ and that he knew the person so served to be the SON \_\_\_\_\_ of the corporation.

SUITABLE  
 AGE PERSON  
 C

Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person: By delivering a true copy thereof to and leaving with MARC RYBACKI a person of suitable age and discretion at 2848 LINDALE STREET WANTAGH NY the said premises being the recipient's  Dwelling/Usual place of abode  Actual place of business within the State of New York.

AFFIXING TO  
 DOOR, ETC.  
 D

By affixing a true copy thereof to the door of said premises, the same being the recipient's  Dwelling/Usual place of abode  Actual place of business within the State of New York. Deponent had previously attempted to serve the above named recipient on/at: 1. 09/10/2007 07:40PM 2. \_\_\_\_\_ 3. \_\_\_\_\_ Deponent spoke with \_\_\_\_\_ who stated to deponent that the said recipient(s) lived at the aforementioned address, but did not know recipient's place of employment.

MAILING TO  
 RESIDENCE  
 E   
 Use with C or D

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient to recipient's last known residence at 2848 LINDALE STREET WANTAGH NY and deposited said envelope in an official repository under the exclusive care and custody of the US Postal Service within New York State on 10/17/2007.

MAILING TO  
 BUSINESS  
 E2   
 Use with C or D

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient to recipient's actual place of business at \_\_\_\_\_ in an official repository under the exclusive care and custody of the US Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient and mailed on 10/17/2007.

F

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.  
 DESCRIPTION OF THE RECIPIENT OR OTHER PERSON SERVED OR SPOKEN TO ON BEHALF OF THE RECIPIENT IS AS:

VOID WITHOUT  
 DESCRIPTION  
 Use with A,B,C,D

<input type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14 - 20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21 - 35 Yrs.	<input type="checkbox"/> 5'0" - 5'3"	<input type="checkbox"/> 100 - 130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Moustache	<input type="checkbox"/> 36 - 50 Yrs.	<input type="checkbox"/> 5'4" - 5'8"	<input type="checkbox"/> 131 - 160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51 - 65 Yrs.	<input type="checkbox"/> 5'9" - 6'0"	<input type="checkbox"/> 161 - 200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features: \_\_\_\_\_

WITNESS FEE  
 G

Witness fee of \$0 the authorizing traveling expenses and one day's witness fee:  
 was paid (tendered) to the recipient  was mailed to the witness with subpoena copy.

MILITARY  
 SERVICE  
 X

I asked the person spoken to whether defendant was in active military service of the United States or of the state of New York in any capacity whatsoever and received a negative reply. Defendant wore civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Subscribed and Sworn to me this

17 day of October, 2007

Notary Signature: JANIRA SANTIAGO VELEZ

NOTARY PUBLIC OF NEW JERSEY  
 My Commission Expires April 24, 2012

I, MALGORZATA SLADEK, was at the time of service a competent adult not having a direct interest in the litigation. I declare under penalty of perjury that the foregoing is true and correct.

Malgorzata Sladek Signature of Process Server 10/17/2007 Date

RR

FC

JUSTICE COURT OF THE S E/CITY OF NEW YORK  
 COUNTY OF: SOUTHERN NY ATTORNEY: ANDREW J. GOLDSTEIN, ESQ.

20070907162727

LAKELAND BANK  
 - against -  
 TAYLOR BABY, ET AL

Petitioner(s)  
 Plaintiff(s)  
 Respondent(s)  
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On: EDWIN RYBACKI

Defendant  Respondent  Witness (hereinafter called the recipient) therein named.

INDIVIDUAL

A  B  C  D  E  F  G  H  I  J  K  L  M  N  O  P  Q  R  S  T  U  V  W  X  Y  Z  ARREST

By personally delivering to and leaving with said EDWIN RYBACKI and that he knew the person so served to be the person mention and described in said SUMMONS AND COMPLAINT, WARRANT FOR ARREST

CORPORATION

B  C  D  E  F  G  H  I  J  K  L  M  N  O  P  Q  R  S  T  U  V  W  X  Y  Z  ARREST

By delivering to and leaving with \_\_\_\_\_ at \_\_\_\_\_ and that he knew the person so served to be the SON \_\_\_\_\_ of the corporation.

SUITABLE

AGE PERSON

C  D  E  F  G  H  I  J  K  L  M  N  O  P  Q  R  S  T  U  V  W  X  Y  Z  ARREST

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AFFIXING TO  
 DOOR, ETC.

D  E  F  G  H  I  J  K  L  M  N  O  P  Q  R  S  T  U  V  W  X  Y  Z  ARREST

By affixing a true copy thereof to the door of said premises, the same being the recipient's  Dwelling/Usual place of abode  Actual place of business within the State of New York. Deponent had previously attempted to serve the above named recipient on/at: 1. 09/10/2007 07:40PM 2. \_\_\_\_\_ 3. \_\_\_\_\_ Deponent spoke with \_\_\_\_\_ who stated to deponent that the said recipient(s) lived at the aforementioned address, but did not know recipient's place of employment.

MAILING TO  
 RESIDENCE

E1  E2  E3  E4  E5  E6  E7  E8  E9  E10  E11  E12  E13  E14  E15  E16  E17  E18  E19  E20  E21  E22  E23  E24  E25  E26  E27  E28  E29  E30  E31  E32  E33  E34  E35  E36  E37  E38  E39  E40  E41  E42  E43  E44  E45  E46  E47  E48  E49  E50  E51  E52  E53  E54  E55  E56  E57  E58  E59  E60  E61  E62  E63  E64  E65  E66  E67  E68  E69  E70  E71  E72  E73  E74  E75  E76  E77  E78  E79  E80  E81  E82  E83  E84  E85  E86  E87  E88  E89  E90  E91  E92  E93  E94  E95  E96  E97  E98  E99  E100  E101  E102  E103  E104  E105  E106  E107  E108  E109  E110  E111  E112  E113  E114  E115  E116  E117  E118  E119  E120  E121  E122  E123  E124  E125  E126  E127  E128  E129  E130  E131  E132  E133  E134  E135  E136  E137  E138  E139  E140  E141  E142  E143  E144  E145  E146  E147  E148  E149  E150  E151  E152  E153  E154  E155  E156  E157  E158  E159  E160  E161  E162  E163  E164  E165  E166  E167  E168  E169  E170  E171  E172  E173  E174  E175  E176  E177  E178  E179  E180  E181  E182  E183  E184  E185  E186  E187  E188  E189  E190  E191  E192  E193  E194  E195  E196  E197  E198  E199  E200  E201  E202  E203  E204  E205  E206  E207  E208  E209  E210  E211  E212  E213  E214  E215  E216  E217  E218  E219  E220  E221  E222  E223  E224  E225  E226  E227  E228  E229  E230  E231  E232  E233  E234  E235  E236  E237  E238  E239  E240  E241  E242  E243  E244  E245  E246  E247  E248  E249  E250  E251  E252  E253  E254  E255  E256  E257  E258  E259  E260  E261  E262  E263  E264  E265  E266  E267  E268  E269  E270  E271  E272  E273  E274  E275  E276  E277  E278  E279  E280  E281  E282  E283  E284  E285  E286  E287  E288  E289  E290  E291  E292  E293  E294  E295  E296  E297  E298  E299  E300  E301  E302  E303  E304  E305  E306  E307  E308  E309  E310  E311  E312  E313  E314  E315  E316  E317  E318  E319  E320  E321  E322  E323  E324  E325  E326  E327  E328  E329  E330  E331  E332  E333  E334  E335  E336  E337  E338  E339  E340  E341  E342  E343  E344  E345  E346  E347  E348  E349  E350  E351  E352  E353  E354  E355  E356  E357  E358  E359  E360  E361  E362  E363  E364  E365  E366  E367  E368  E369  E370  E371  E372  E373  E374  E375  E376  E377  E378  E379  E380  E381  E382  E383  E384  E385  E386  E387  E388  E389  E390  E391  E392  E393  E394  E395  E396  E397  E398  E399  E400  E401  E402  E403  E404  E405  E406  E407  E408  E409  E410  E411  E412  E413  E414  E415  E416  E417  E418  E419  E420  E421  E422  E423  E424  E425  E426  E427  E428  E429  E430  E431  E432  E433  E434  E435  E436  E437  E438  E439  E440  E441  E442  E443  E444  E445  E446  E447  E448  E449  E450  E451  E452  E453  E454  E455  E456  E457  E458  E459  E460  E461  E462  E463  E464  E465  E466  E467  E468  E469  E470  E471  E472  E473  E474  E475  E476  E477  E478  E479  E480  E481  E482  E483  E484  E485  E486  E487  E488  E489  E490  E491  E492  E493  E494  E495  E496  E497  E498  E499  E500  E501  E502  E503  E504  E505  E506  E507  E508  E509  E510  E511  E512  E513  E514  E515  E516  E517  E518  E519  E520  E521  E522  E523  E524  E525  E526  E527  E528  E529  E530  E531  E532  E533  E534  E535  E536  E537  E538  E539  E540  E541  E542  E543  E544  E545  E546  E547  E548  E549  E550  E551  E552  E553  E554  E555  E556  E557  E558  E559  E560  E561  E562  E563  E564  E565  E566  E567  E568  E569  E570  E571  E572  E573  E574  E575  E576  E577  E578  E579  E580  E581  E582  E583  E584  E585  E586  E587  E588  E589  E590  E591  E592  E593  E594  E595  E596  E597  E598  E599  E600  E601  E602  E603  E604  E605  E606  E607  E608  E609  E610  E611  E612  E613  E614  E615  E616  E617  E618  E619  E620  E621  E622  E623  E624  E625  E626  E627  E628  E629  E630  E631  E632  E633  E634  E635  E636  E637  E638  E639  E640  E641  E642  E643  E644  E645  E646  E647  E648  E649  E650  E651  E652  E653  E654  E655  E656  E657  E658  E659  E660  E661  E662  E663  E664  E665  E666  E667  E668  E669  E670  E671  E672  E673  E674  E675  E676  E677  E678  E679  E680  E681  E682  E683  E684  E685  E686  E687  E688  E689  E690  E691  E692  E693  E694  E695  E696  E697  E698  E699  E700  E701  E702  E703  E704  E705  E706  E707  E708  E709  E710  E711  E712  E713  E714  E715  E716  E717  E718  E719  E720  E721  E722  E723  E724  E725  E726  E727  E728  E729  E730  E731  E732  E733  E734  E735  E736  E737  E738  E739  E740  E741  E742  E743  E744  E745  E746  E747  E748  E749  E750  E751  E752  E753  E754  E755  E756  E757  E758  E759  E760  E761  E762  E763  E764  E765  E766  E767  E768  E769  E770  E771  E772  E773  E774  E775  E776  E777  E778  E779  E780  E781  E782  E783  E784  E785  E786  E787  E788  E789  E790  E791  E792  E793  E794  E795  E796  E797  E798  E799  E800  E801  E802  E803  E804  E805  E806  E807  E808  E809  E810  E811  E812  E813  E814  E815  E816  E817  E818  E819  E820  E821  E822  E823  E824  E825  E826  E827  E828  E829  E830  E831  E832  E833  E834  E835  E836  E837  E838  E839  E840  E841  E842  E843  E844  E845  E846  E847  E848  E849  E850  E851  E852  E853  E854  E855  E856  E857  E858  E859  E860  E861  E862  E863  E864  E865  E866  E867  E868  E869  E870  E871  E872  E873  E874  E875  E876  E877  E878  E879  E880  E881  E882  E883  E884  E885  E886  E887  E888  E889  E890  E891  E892  E893  E894  E895  E896  E897  E898  E899  E900  E901  E902  E903  E904  E905  E906  E907  E908  E909  E910

## GOLDSTEIN ISAACSON, PC

ATTORNEYS AT LAW

100 MORRIS AVENUE

TEL: (973) 258-0500

3<sup>rd</sup> FLOOR

FAX: (973) 258-0707

SPRINGFIELD, NEW JERSEY 07081

WWW.GOLDISAAC.COM

October 30, 2007

Via Certified Mail and Regular Mail

Rita Rybacki  
 3248 Lindale Street  
 Wantagh, New York 11793

Re: **Lakeland Bank v. Edwin & Rita Rybacki, et als.**  
**Civil Action No. 07-CIV-6823**

Dear Mrs. Rybacki:

The Summons with Complaint attached was served upon you or a member of your family by a process server on or about October 17, 2007. Your response is due on or before November 6, 2007.

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,



ANDREW J. GOLDSTEIN

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<p>1. Complete Items 1, 2, and 3. Also complete Item 4 if restricted delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature</p> <p></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p></p> <p>C. Date of Delivery</p> <p>10/26/07</p>	
<p>1. Article Addressed to:</p> <p>Rita Rybacki    3248 Lindale St.    Wantagh, NY    11793</p>		<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No    If YES, enter delivery address below:</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>Article Number  <i>(Transfer from service label)</i></p>		<p>7002 2030 0007 1396 7647</p>	

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<p>2. Article Number  <i>(Transfer from service label)</i></p> <p>7002 2030 0007 1396 7654</p>			